

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPEALALTE SIDE

APPEAL FROM ORDER NO.842 OF 2005

Mali Rama Bare & Ors. ...Appellants.
Vs.
Shree Jude Baslingeshwar Swami
Co-op. Hsg. Soc. Ltd. & Anr. ...Respondents.

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Mr. S. K. Chaurasia with Mr. A.M. Saraogi for the Appellants.
Mr. R. A. Thorat for Respondent No.1.
Mrs.Geeta Joglekar for Respondent No.2.

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CORAM : DR. D.Y. CHANDRACHUD, J.

November 14, 2005.

P.C.:

The land in question, upon which the structures which form the subject matter of the suit are situated has admittedly been declared to be a slum. The Learned Trial Judge has granted relief in terms of prayer clause (a) of the Notice of Motion, restraining the Municipal Corporation from demolishing the structures in question without taking recourse to the due process of law. The structures are identified in terms of the report of the Commissioner dated 27th November 1992 in proceedings before the Slum Tribunal. The Municipal Corporation has not filed any proceedings to challenge the order of the Learned Trial Judge. The Appellants, in

my view, cannot be aggrieved by the impugned order in so far as it requires the Municipal Corporation to follow due process of law before taking any action in respect of the structures. There is no merit in the appeal which is accordingly dismissed.

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